

FORECLOSING A TAX LIEN

YOU CAN USE THIS PACKET IF ALL OF THE FOLLOWING ARE TRUE:

- [] YOU BOUGHT A TAX LIEN. IT HAS BEEN THREE YEARS SINCE THE ORIGINAL TAX LIEN SALE DATE **BUT** NOT LATER THAN TEN YEARS AFTER THE LAST DAY OF THE MONTH IN WHICH YOU ACQUIRED THE LIEN
- [] THE LIEN HAS NOT BEEN REDEEMED
- [] YOU WANT A FORECLOSURE ON THE LIEN AND A DEED TO THE PROPERTY
- [] THE PROPERTY IS IN COCONINO COUNTY
- [] THERE IS ONLY ONE PROPERTY OWNER
- [] THE PROPERTY OWNER IS NOT UNDER AGE 18, LEGALLY INCAPACITATED, OR IN MILITARY SERVICE
- [] THE PROPERTY OWNER IS AN INDIVIDUAL AND NOT A PARTNERSHIP, CORPORATION, TRUSTEE, GOVERNMENTAL ENTITY, OR ASSOCIATION

Before signing a court document or getting involved with a court case, it's important to see an attorney to make sure you understand your legal rights and responsibilities. The Self-Help Center has information on finding an attorney.

INSTRUCTIONS

Read all forms and instructions before starting. Fill out forms by printing in blue ink or typing. Do not fill in un-numbered blanks on forms.

Filing Fee: To find the fee to file court papers, see the Self-Help Center packet *Superior Court Filing Fees* or call the Clerk's Office at 928-779-6535. The Clerk's Office accepts only cash, money orders, and cashier's checks payable to "Clerk of Superior Court". If you can't afford the fee, see the Self-Help Center packet *Filing Fee Deferral at the Start of Your Case*.

Self-Help Center Packets: Self-Help Center packets are available at the Law Library and Self-Help Center, 200 N. San Francisco St., Flagstaff, or online at www.co.coconino.az.us/courts/forms.asp.

Notice of Lis Pendens: After filing the Complaint to Foreclose the Right to Redeem a Tax Lien with the court (explained below), you may file a notice of the action with the Coconino County recorder. An attorney can advise you on whether and how to do this.

STEP 1: CHECK WHETHER THE PROPERTY OWNER IS IN BANKRUPTCY

Call the Coconino County treasurer at 877-500-1818 and ask whether the property owner is in bankruptcy. If the property owner is in bankruptcy, you cannot use this packet.

STEP 2: DECIDE WHERE TO SEND NOTICE OF YOUR INTENT TO FILE FOR FORECLOSURE

At least 30 days before filing for foreclosure, you must notify the following of your intent.

1. The property owner of record according to the county recorder's records
OR
- 2a. The property owner according to the county assessor's records and
- 2b. The property's physical address if different from 2a and
- 2c. The tax bill mailing address according to the county treasurer's records if different from 2a and 2b

STEP 3: FILL OUT THE NOTICE OF INTENT TO FILE FOR FORECLOSURE

- (1) Enter your name; street address; city, state, and zip code; and phone number.
- (2) Enter the date you will mail the Notice.
- (3) Enter the property owner's name; street address; and city, state, and zip code.
- (4) If applicable, enter the property's physical street address and city, state, and zip code.
- (5) If applicable, enter the tax bill mailing street address and city, state, and zip code.
- (6) Enter the property's tax parcel identification number and legal description and your certificate of purchase number. Enter the date you plan to file for foreclosure, at least 30 days after the date you send this Notice.

- (7) Read the Notice and make sure that you understand everything in it and that everything in it is true. Sign.

STEP 4: MAIL THE NOTICE OF INTENT TO FILE FOR FORECLOSURE

Send a copy of the Notice through certified mail, return receipt requested, to 1) the county treasurer at the address listed on the Notice and 2) each address you listed on the Notice. Keep the original for your records.

STEP 5: WAIT AT LEAST 30 DAYS

If the Property is Redeemed: You may not file for foreclosure.

If the Property is Not Redeemed: You may proceed with these Instructions.

STEP 6: PERFORM A TITLE SEARCH

Perform a title search on the property at the County Recorder's Office, 110 E. Cherry St., or online at <coco-criswf.infomagic.net/icris/splash.jsp>. You also may hire a title company, listed in the Yellow Pages, to perform the search. The title search will identify all parties with an interest in the property. You may send notice of the foreclosure action to the other interested parties. If there is more than one property owner, you cannot use this packet.

STEP 7: FILL OUT THE CIVIL COVER SHEET

You are the Plaintiff. The property owner is the Defendant. Enter as much information as you know. Under "Nature of Action", put an X in the blank next to "Quiet Title" under "Non-Classified Civil".

STEP 8: FILL OUT THE COMPLAINT TO FORECLOSE THE RIGHT TO REDEEM A TAX LIEN

- (1) Enter your name; street address; city, state, and zip code; and phone number.
- (2) Enter your name.
- (3) Enter the property owner's name.
- (4) Enter the date you mailed the Notice of Intent to File for Foreclosure.
- (5) Enter the property's address and legal description, the date you bought the tax lien, and your certificate of purchase number.
- (6) Enter the interest rate listed on your certificate of purchase.
- (7) Read the Complaint and make sure that you understand everything in it and that everything in it is true. Sign in front of a notary public.

STEP 9: FILL OUT THE JUDGMENT FORECLOSING THE RIGHT TO REDEEM A TAX LIEN

- (1) Enter your name; street address; city, state, and zip code; and phone number.

- (2) Enter your name.
- (3) Enter the property owner's name.
- (4) Enter the property's address and legal description, the date you bought the tax lien, and your certificate of purchase number.

STEP 10: FILL OUT THE CERTIFICATE ON COMPULSORY ARBITRATION

- (1) Enter your name; street address; city, state, and zip code; and phone number.
- (2) Enter your name.
- (3) Enter the property owner's name.
- (4) Read the Certificate and make sure that you understand everything in it and that everything in it is true. Date and sign.

STEP 11: FILL OUT THE SUMMONS

- (1) Enter your name; street address; city, state, and zip code; phone number; and ATLAS number if you have one. (An ATLAS number relates to a previous child support case.)
- (2) Enter your name.
- (3) Enter the other party's name.
- (4) Enter the other party's name.

STEP 12: FILE THE FORMS WITH THE COURT

At least 30 days after mailing the Notice of Intent to File for Foreclosure to the property owner, take or mail the filing fee and the original and two copies of the following to the Clerk's Office in the Coconino County Courthouse at 200 N. San Francisco St., Flagstaff, AZ 86001.

- ☐ Civil Cover Sheet
- ☐ Complaint to Foreclose the Right to Redeem a Tax Lien
- ☐ Judgment Foreclosing the Right to Redeem a Tax Lien
- ☐ Certificate on Compulsory Arbitration
- ☐ Summons

The Clerk will stamp your copies with the filing date and return them to you for your records. If you file by mail, include a self-addressed, stamped envelope and a note asking the Clerk to return the date-stamped copies to you.

STEP 13: SERVE THE FORMS ON THE OTHER PARTY

See the Self-Help Center packet *Serving Court Papers on the Other Party at the Start of Your Case*.

STEP 14: WAIT FOR THE OTHER PARTY TO RESPOND

See the table below for how long Respondent has to file a written response to the Complaint. Find the date in the "After" column on a calendar. Start counting on the next day. Count off the

days in the “Count” column, including weekends and holidays. Respondent must respond by the last date you counted, unless it’s a weekend or court holiday, in which case Respondent must respond by the next workday.

Where Were the Papers Served?	How Were the Papers Served?	Count:	After:
In AZ, not on an Indian Reservation	Acceptance of Service	20 days	The other party signs the Acceptance of Service
	Process Server	20 days	The other party receives the papers from the process server
	Sheriff	20 days	The other party receives the papers from the sheriff
In AZ, on an Indian Reservation*	Acceptance of Service	30 days	The other party signs the Acceptance of Service
	Tribally Licensed Process Server	30 days	The other party receives the papers from the process server
	Tribal Law Enforcement	30 days	The other party receives the papers from the officer
Outside of AZ	Acceptance of Service	30 days	The other party signs the Acceptance of Service
	Certified Mail	30 days	The other party signs the green card
	Process Server	30 days	The other party receives the papers from the process server
	Sheriff or Tribal Law Enforcement	30 days	The other party receives the papers from the officer
	Publication	30 days	30 days after the first publication

***If the Papers Were Served on an Indian Reservation in Arizona:** Depending on the facts and circumstances of the case, there *may* be fewer days for the Respondent to respond. An attorney can advise you.

STEP 15: DECIDE HOW TO PROCEED

If Defendant Responds on Time: See the Self-Help Center packet *How to Set Your Case for Trial*.

If Defendant Fails to Respond on Time: See the Self-Help Center packet *Filing for Default*.

If the Property is Redeemed: If Defendant redeems the property after you file the Complaint but before Defendant is served, you must file a Notice of Dismissal.

**STEP 16: IF THE COURT FORECLOSES THE RIGHT TO REDEEM THE TAX LIEN:
GET A JUDGMENT DEED**

1. Get a certified copy of the signed Judgment Foreclosing the Right to Redeem a Tax Lien from the Clerk of Superior Court. There is a fee for this copy.
2. Fill out the Request For a Judgment Deed.
 - (1) Enter your name; street address; and city, state, and zip code.
 - (2) Enter the date.
 - (3) Read the Request and make sure that you understand everything in it and that everything in it is true. Sign and print your name.
3. Mail or hand-deliver the following to the county treasurer at the address listed on the Request. Keep a copy of everything for your records.
 - ☐ Request for a Judgment Deed
 - ☐ A certified copy of the signed Judgment Foreclosing the Right to Redeem a Tax Lien
 - ☐ \$50 per parcel
4. The county treasurer will mail you the deed.
5. Have the deed recorded: Take or mail the recording fee and the original or a certified copy of the judgment deed (keep a copy for your records) to the County Recorder's Office, 110 E. Cherry Ave., Flagstaff, AZ 86001. To find the recording fee, call the recorder's office at 779-6585 or 800-793-6181.

**STEP 17: IF YOU USED A LITIGATION GUARANTEE REPORT:
YOU SHOULD OBTAIN AN OWNER'S TITLE POLICY**

After the deed is recorded, have the title company that issued the litigation guarantee report issue you an owner's title policy. The title company may do so at a reduced fee.

NOTICE OF INTENT TO FILE FORECLOSURE ACTION

CERTIFIED MAIL, RETURN RECEIPT REQUESTED

(1) Name of Party Filing Action: _____
Street Address: _____
City, State, Zip: _____
Phone Number: _____

(2) Mailing Date: _____

(3) Name of Property Owner
or Interested Party: _____
Street Address: _____
City, State, Zip: _____

(4) Property Street Address: _____
City, State, Zip: _____

(5) Tax Bill Mailing Address: _____
City, State, Zip: _____

Coconino County Treasurer
110 E. Cherry St., 2nd Fl.
Flagstaff, Arizona 86001

To whom it may concern:

I own a tax lien on the real property identified below. I plan to file a court action to foreclose the right to redeem the lien.

(6) Real Property Tax Parcel Identification Number: _____
Legal Description of the Real Property:

Certificate of Purchase Number: _____

I plan to file for foreclosure on or after: _____

If you wish to redeem the tax lien, please contact the Coconino County treasurer at 928-779-6615.

(7) Signature: _____

THE SUPERIOR COURT OF COCONINO COUNTY

Civil Cover Sheet

Please provide the following information. (Type or Print)

CASE NUMBER CV-

PLAINTIFF'S NAME and ADDRESS Name: _____ Address: _____ City/State/Zip: _____ (List additional plaintiffs on reverse side)	DEFENDANT'S NAME and ADDRESS Name: _____ Address: _____ City/State/Zip: _____ (List additional defendants on reverse side)
PLAINTIFF'S ATTORNEY Name: _____ Address: _____ City/State/Zip: _____ Phone: _____ State Bar No. _____	AMOUNT IN CONTROVERSY (if alleged) Compensatory \$ _____ Punitive \$ _____ Attorney Fees \$ _____ ARBITRATION <input type="checkbox"/> Subject to Arbitration <input checked="" type="checkbox"/> Not Subject to Arbitration
EMERGENCY ORDER SOUGHT: <input type="checkbox"/> Temporary Restraining Order <input type="checkbox"/> Provisional Remedy <input type="checkbox"/> Other (Specify) _____	FEES: <input type="checkbox"/> PAID <input type="checkbox"/> NOT PAID REASON: <input type="checkbox"/> Political Subdivision/Government Agency <input type="checkbox"/> Deferred <input type="checkbox"/> Waived

NATURE OF ACTION

Place an "X" next to one description below which best describes the nature of the case.

TORT MOTOR VEHICLE

_____ Personal Injuries
_____ Property Damage
_____ Death

TORT NON-MOTOR VEHICLE

_____ Assault & Battery
_____ Libel/Slander
_____ Negligence
_____ False Imprisonment
_____ Personal Injury
_____ Property Damage
_____ Civil Fraud

Other: _____

MEDICAL MALPRACTICE

_____ Physician - M.D.
_____ Physician - D.O.
_____ Hospital

Other: _____

NON-CLASSIFIED CIVIL

_____ Special Action
_____ Forcible Detainer
_____ Change of Name
_____ Transcript of Judgment
_____ Foreign Judgment
_____ Declaratory Judgment
_____ Eminent Domain
_____ Habeas Corpus
☒ Quiet Title
_____ Harrassment
_____ Seized Property
_____ Administrative Review

Other: _____

CONTRACTS

_____ Account
_____ Promissory Note
_____ Foreclosure

Other: _____

FOR OFFICE USE ONLY:

entered by: #

Rev. 12/93

(1) Person Filing: _____
Street Address: _____
City, State, Zip: _____
Phone Number: _____
Representing Self

SUPERIOR COURT OF ARIZONA, COUNTY OF COCONINO

(2) Plaintiff: _____ Case Number: _____

(3) Defendant: _____ **COMPLAINT TO FORECLOSE THE RIGHT
TO REDEEM A TAX LIEN**

STATEMENTS TO THE COURT:

- (4) 1. I, Plaintiff, claim an interest in the property in Coconino County described below. Defendant is an individual and not a partnership, corporation, trustee, governmental entity, or association. Defendant is not under age 18, legally incapacitated, or in military service. I gave notice of my intent to file for foreclosure, pursuant to A.R.S. 42-18202, on this date: _____
- (5) 2. To pay for delinquent taxes legally levied and assessed against the property and interest, penalties, and charges, the Coconino County Treasurer sold me the property as follows. The Certificate of Purchase (copy attached) has been issued or lawfully assigned to me.
Property's Address: _____
Property's Legal Description: _____
Date of Sale: _____ Certificate of Purchase Number: _____
3. The sale was valid, and the taxes due and owing on the property were delinquent at the time of sale.
4. Over three years have passed since the date of sale, and none of the property has been redeemed. I therefore am entitled to foreclose Defendant's right to do so. I am now the owner in fee of the property, subject only to Defendant's right to redeem the property and pay me the costs incurred in this action plus any reasonable attorney fees. I believe that if Defendant makes some claim adverse to my rights, other than the right to redeem, it is without foundation.

REQUESTS TO THE COURT:

- (6) 1. Order that, if Defendant wants to redeem the property from sale, Defendant shall pay me the costs incurred, if any, for title search, recording fees, Clerk's filing fee, lis pendens, service of process, reasonable attorney fees, and the amount of the Certificate of Purchase and payment of all subsequent taxes plus interest on that amount at the following rate of interest per annum from the date paid: _____%.

2. Or declare that the sale of the property, Certificate of Purchase, and service of process are valid; that at the sale of the property, the taxes on it were delinquent; that over three years have passed since the sale; that the property has not been redeemed; and that Defendant's right to redeem the property is forever foreclosed and Defendant is barred forever and estopped from having or claiming any right or title adverse to me. Order the Coconino County treasurer to execute and deliver immediately to me a deed conveying the property.
3. Enter a judgment in this matter pursuant to Rule 54(b), Arizona Rules of Civil Procedure, as there is no reason for delay.
4. Order any other and further relief for me, including costs and attorney fees, that the court deems appropriate.

(7) Plaintiff's Signature: _____

State of Arizona)

)

County of _____)

Subscribed and sworn before me this date: _____ by: _____

Seal:

Notary Public: _____

Notary Expiration Date: _____

(1) Person Filing: _____
Street Address: _____
City, State, Zip: _____
Phone Number: _____
Representing Self

SUPERIOR COURT OF ARIZONA, COUNTY OF COCONINO

(2) Plaintiff: _____

Case Number: _____

JUDGMENT:

☐ **A. FORECLOSING THE RIGHT TO
REDEEM A TAX LIEN**

(3) Defendant: _____

OR ☐ **B. FOR COSTS**

AFTER HEARING, THE COURT FINDS (Either A or B):

☐ **A. Default was properly entered:** Defendant was served with the Complaint in compliance with the Arizona Rules of Civil Procedure and failed to appear and answer Plaintiff's Complaint.

To pay for delinquent taxes legally levied and assessed against the property and interest, penalties, and charges, the Coconino County treasurer sold Plaintiff the property, located in Coconino County, as follows.

(4) Property's Address: _____
Property's Legal Description: _____
Date of Sale: _____

Certificate of Purchase Number: _____

The sale of the property was valid; the Certificate of Purchase has been lawfully issued; and at the sale of the property, the taxes on it were delinquent. The total of delinquent taxes, interest, penalties, and charges legally due and owing on the property were paid to the treasurer upon Certificate of Purchase, and the amounts are listed on the Certificate.

Plaintiff, prior to judgment, is the owner in fee of the property, subject only to Defendant's right to redeem the property and pay Plaintiff the costs incurred in this action plus any reasonable attorney fees.

The property has not been redeemed. Over three years have passed since the date of sale. Plaintiff therefore is entitled to foreclose Defendant's right to redeem. Defendant's claim to the property, if any, is invalid other than the right to redeem, which this judgment will foreclose.

OR ☐ **B. Defendant redeemed the property:** Defendant was served with the Complaint in compliance with the Arizona Rules of Civil Procedure and has redeemed the property prior to an entry of judgment.

THE COURT ORDERS (Either A or B):

[] A. Defendant's right to redeem is foreclosed: The sale of the property, Certificate of Purchase, and service of process are valid. The property has not been redeemed. Defendant's right to redeem the property is forever foreclosed and Defendant is barred forever and estopped from having or claiming any right or title adverse to Plaintiff.

The Coconino County treasurer shall execute and deliver immediately to Plaintiff a deed conveying the property.

OR [] B. Defendant shall pay Plaintiff's costs and attorney fees: Defendant redeemed the property from sale. Defendant shall pay Plaintiff \$_____ for costs and attorney fees, plus interest on that amount at the following rate of interest per annum from the date paid by Plaintiff until paid in full: _____%.

Other Orders: _____

There is no just reason for delay, and this judgment shall be entered pursuant to Rule 54(b) Arizona Rules of Civil Procedure.

Done in open court this date: _____.

Judge's Signature: _____

(1) Person Filing: _____
Street Address: _____
City, State, Zip: _____
Phone Number: _____
Representing Self

SUPERIOR COURT OF ARIZONA, COUNTY OF COCONINO

(2) Plaintiff: _____

Case Number: _____

(3) Defendant: _____

**CERTIFICATE ON COMPULSORY
ARBITRATION**

Plaintiff certifies that he or she knows the dollar limits and any other limitations set forth by the local rules of practice for the Coconino County Superior Court, and further certifies that this case is not subject to compulsory arbitration, as provided by Rules 72 through 76 of the Arizona Rules of Civil Procedure.

(4) Date: _____

Plaintiff's Signature: _____

(1) Plaintiff/Petitioner: _____
Street Address: _____
City, State, Zip: _____
Phone Number: _____
ATLAS Number: _____
Representing Self

SUPERIOR COURT OF ARIZONA, COUNTY OF COCONINO

(2) Plaintiff/Petitioner: _____ Case Number: _____

(3) Defendant/Respondent: _____ **SUMMONS**

(4) THE STATE OF ARIZONA TO _____

YOU ARE SUMMONED and required to appear and defend within the time applicable in this action in this Court. If served in Arizona, you shall appear and defend within 20 days of service on you of the Summons and Petition/Complaint, excluding the day of service. If served outside of Arizona, you shall appear and defend within 30 days of service on you of the Summons and Petition/Complaint, excluding the day of service. Direct service is complete when made. Service by publication is complete 30 days after the first publication. Service on the Arizona Motor Vehicle Superintendent is complete 30 days after filing the Affidavit of Compliance and return receipt or Officer's Return. Where process is served on the Arizona Director of Insurance as an insurer's attorney to receive service of legal process against it in this State, the insurer shall not be required to appear, answer, or otherwise plead until 40 days after service on the Director.

YOU ARE NOTIFIED that if you fail to appear and defend within the time applicable, judgment by default may be rendered against you for the relief demanded in the Petition/Complaint.

YOU ARE CAUTIONED that in order to appear and defend, you must file an Answer or other proper response in writing with the Clerk of this Court, accompanied by the necessary filing fee, within the time required, and you must serve a copy of any Answer or response on the Plaintiff/Petitioner.

A copy of the pleading being served may be obtained from the Clerk of Superior Court, Coconino County Court House, 200 North San Francisco, Flagstaff, AZ 86001.

Requests for reasonable accommodation for persons with disabilities must be made to the court division assigned to the case by parties at least three working days in advance of a scheduled court proceeding.

SIGNED AND SEALED this date: _____

Clerk of Superior Court

By Deputy Clerk: _____

REQUEST FOR A JUDGMENT DEED

(1) Name: _____
Street Address: _____
City, State, Zip: _____

(2) Date: _____

Coconino County Treasurer
110 E. Cherry St., 2nd Fl.
Flagstaff, AZ 86001

To whom it may concern:

Please execute and deliver to me a deed conveying the property described in the enclosed original or certified copy of the Judgment Foreclosing the Right to Redeem a Tax Lien. I also enclose the fee of \$50 per parcel.

Sincerely,

(3) Signature: _____
Printed Name: _____